

**House File 2048 - Introduced**

HOUSE FILE 2048

BY HAYES

**A BILL FOR**

1 An Act relating to harassment by the dissemination, publishing,  
2 distribution, or posting of a visual depiction showing  
3 another person in a state of full or partial nudity or  
4 engaged in a sex act that has been altered to falsely depict  
5 another person, and making penalties applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.7, subsection 1, paragraph a,  
2 subparagraph (5), Code 2024, is amended to read as follows:

3 (5) Disseminates, publishes, distributes, posts, or  
4 causes to be disseminated, published, distributed, or posted a  
5 ~~photograph or film~~ visual depiction as defined in section 728.1  
6 showing another person in a state of full or partial nudity or  
7 engaged in a sex act, knowing that the other person has not  
8 consented to the dissemination, publication, distribution,  
9 or posting. For purposes of this section, "another person"  
10 includes an individual, recognizable by the person's face,  
11 likeness, or other distinguishing features, whose image is used  
12 to create, adapt, or modify a visual depiction to depict that  
13 other person in a manner as described in this subparagraph.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to harassment by the dissemination,  
18 publishing, distribution, or posting of a visual depiction  
19 showing another person in a state of full or partial nudity or  
20 engaged in a sex act that has been altered to falsely depict  
21 another person.

22 Current law provides that a person commits harassment when,  
23 with intent to intimidate, annoy, or alarm another person,  
24 the person disseminates, publishes, distributes, posts, or  
25 causes to be disseminated, published, distributed, or posted a  
26 photograph or film showing another person in a state of full or  
27 partial nudity or engaged in a sex act, knowing that the other  
28 person has not consented to the dissemination, publication,  
29 distribution, or posting.

30 The bill provides that "another person" includes an  
31 individual, recognizable by the person's face, likeness, or  
32 other distinguishing features, whose image is used to create,  
33 adapt, or modify a visual depiction to depict that other person  
34 as being in a state of full or partial nudity or engaged in a  
35 sex act.

1 "Visual depiction" is defined in Code chapter 728  
2 (obscenity) to include any picture, slide, photograph,  
3 digital or electronic image, negative image, undeveloped film,  
4 motion picture, videotape, digital or electronic recording,  
5 live transmission, or other pictorial or three-dimensional  
6 representation.

7 A violation of Code section 708.7(1)(a)(5) is harassment  
8 in the first degree and is an aggravated misdemeanor. An  
9 aggravated misdemeanor is punishable by confinement for no more  
10 than two years and a fine of at least \$855 but not more than  
11 \$8,540.